



September 30, 2024

Ms. Michelle Arsenault  
National Organic Standards Board  
USDA-AMS-NOP

**Docket:** AMS-NOP-24-0023

**RE: Compliance, Accreditation, and Certification Subcommittee  
Discussion Document: Residue Testing for a Global Supply Chain**

Dear Ms. Arsenault:

Thank you for this opportunity to provide feedback to the Compliance, Accreditation, and Certification Subcommittee on its Residue Testing for a Global Supply Chain Discussion Document. The Organic Trade Association (OTA) is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States. Our members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, brands, retailers, material input providers, and others. OTA's mission is to grow and protect organic with a unifying voice that serves and engages its diverse members from farm to marketplace.

OTA appreciates the significant and detailed work the Subcommittee has put into its suggested updates to the various residue related guidance and instruction documents contained in the NOP Program Handbook. OTA recognizes the necessity of these updates to be responsive to the evolving and expanding focus of testing initiatives, as well as the technologies involved, in the interest of maintaining organic integrity and deterring fraud. We also point to the importance of consistency across all these efforts in ensuring certifiers and inspectors have the resources needed, and that oversight is fair and sound.

Below we answer some of the questions posed, as well as offer some overall feedback and thoughts.

### **Risk Assessment**

We recognize the Board's work on risk assessment and the discussion document included in the materials for the Fall meeting focused on this topic. We also acknowledge the suggestion in this residue document of incorporating a risk-based decision tree in new guidance as a tool for when and where to sample, and encourage the Board to link these two focus areas closely. Doing so will help certifiers, inspectors, and the trade make the best and most informed decisions—and have the greatest impact on organic integrity—when choosing where to focus finite time and financial resources.

### **Role of the Organic Trade**

This detailed collection of recommended updates will be critical in equipping certifiers and inspectors with the tools they need to continue their essential role in ensuring compliance. **We also point to the vital role the organic trade has in these efforts as well.** OTA has developed an extensive [Organic Fraud Prevention Guide](#), part of which focuses on establishing a testing program. Internal testing programs are critical tools that can be used to verify there was no intentional application of prohibited substances, to measure the effectiveness of contamination and commingling prevention measures, as well as to deter fraudulent activity of suppliers. While an internal testing program cannot replace the role of the third-party certifier in oversight activities, it is an important complementary safeguard in ensuring organic

integrity. Our Organic Fraud Prevention Guide references the NOP Handbook documents and we encourage the Board and NOP to keep the trade in mind as an audience and user of these documents as they move forward in their work.

### **Training**

With the level of detail and complexity these suggested updates present, it is imperative that investment in training of certifiers and inspectors meet the increasing demands for expertise in this field. The Organic Integrity Learning Center has proven an essential part of meeting training needs and we encourage NOP continue to populate it with resources. We also encourage the continued partnership between the NOP, the Accredited Certifiers Association, and the International Organic Inspectors Association in ensuring the certification and inspector community has the training it needs.

### **Guidance Document Questions**

1. NOP 2610

- b. To increase bandwidth, should certifiers outsource sampling to a third party?

We do not support certifiers outsourcing sampling to a third party. As an integral part of certifier responsibility, we foresee doing so poses the risk of losing control, consistency, and integrity in certification oversight.

4. NOP 2613

- c. What should a certifier do when results come from third-party operations with unknown sampling methodology?

Regardless of sampling methodology, results from third-party operations should not be accepted as a basis for compliance action or as evidence that no compliance action should be taken. Depending on the circumstance, such results can be used to assess risk or direct further sampling and testing done under the authority and supervision of the certifier.

- d. How should a certifier interpret samples of a multi-ingredient product or a tested lot composed of several lots from suppliers?

Sampling best practice should be to sample single ingredients. While presence of a prohibited substance may suggest the failure of an operation's organic system plan, sampling a multi-ingredient product prevents accurate and effective follow-up when it is not known which of the ingredients has tested positive for a prohibited substance. In cases when the individual ingredients in the product, or the separate lots of a mixed lot are still available, testing of these may be helpful in directing compliance action and/or addressing the organic system plan failure.

On behalf of our members across the supply chain and the country, OTA thanks the National Organic Standards Board for the opportunity to comment, and for your commitment to furthering organic agriculture.

Respectfully submitted,



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Organic Trade Association

cc: Tom Chapman  
Co-CEO  
Organic Trade Association